

# **EXHIBIT 5**

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**IN RE NATIONAL PRESCRIPTION  
OPIATE LITIGATION**

This document relates to:

Case No. 17-OP-45004 (N.D. Ohio)

THE COUNTY OF CUYAHOGA, OHIO, and  
STATE OF OHIO EX REL., PROSECUTING  
ATTORNEY OF CUYAHOGA COUNTY,  
MICHAEL C. O'MALLEY,

Plaintiffs,

vs.

PURDUE PHARMA L.P., PURDUE  
PHARMA INC., THE PURDUE FREDERICK  
COMPANY, INC., ENDO HEALTH  
SOLUTIONS INC., ENDO  
PHARMACEUTICALS, INC., JANSSEN  
PHARMACEUTICALS, INC., JANSSEN  
PHARMACEUTICA, INC. n/k/a JANSSEN  
PHARMACEUTICALS, INC., NORAMCO,  
INC., ORTHO-MCNEIL-JANSSEN  
PHARMACEUTICALS, INC. n/k/a JANSSEN  
PHARMACEUTICALS, INC., JOHNSON &  
JOHNSON, TEVA PHARMACEUTICAL  
INDUSTRIES LTD., TEVA  
PHARMACEUTICALS USA, INC.,  
CEPHALON, INC., ALLERGAN PLC f/k/a  
ACTAVIS PLC, ALLERGAN FINANCE LLC,  
f/k/a ACTAVIS, INC., f/k/a WATSON  
PHARMACEUTICALS, INC., WATSON  
LABORATORIES, INC., ACTAVIS LLC,  
ACTAVIS PHARMA, INC. f/k/a WATSON  
PHARMA, INC., INSYS THERAPEUTICS,  
INC., MALLINCKRODT PLC,  
MALLINCKRODT LLC, CARDINAL  
HEALTH, INC., McKESSON

**MDL No. 2804**

**Case No. 17-md-2804**

**Judge Dan Aaron Polster**

**PLAINTIFFS THE COUNTY OF  
CUYAHOGA, OHIO AND THE STATE  
OF OHIO *EX REL.* PROSECUTING  
ATTORNEY OF CUYAHOGA COUNTY,  
MICHAEL C. O'MALLEY'S RESPONSES  
AND OBJECTIONS TO DISTRIBUTOR  
DEFENDANTS' THIRD SET OF  
INTERROGATORIES**

CORPORATION, AMERISOURCEBERGEN  
CORPORATION, HEALTH MART  
SYSTEMS, INC., H. D. SMITH, LLC d/b/a  
HD SMITH, f/k/a H.D. SMITH  
WHOLESALE DRUG CO., H. D. SMITH  
HOLDINGS, LLC, H. D. SMITH HOLDING  
COMPANY, CVS HEALTH  
CORPORATION, WALGREENS BOOTS  
ALLIANCE, INC. a/k/a WALGREEN CO.,  
and WAL-MART INC. f/k/a WAL-MART  
STORES, INC.,

Defendants.

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure and the Case Management Order in *In re National Prescription Opiate Litigation*, No. 1:17-cv-2804 (Dkt. No. 232), The County of Cuyahoga, Ohio and the State of Ohio *Ex Rel.* Prosecuting Attorney of Cuyahoga County, Michael C. O'Malley, ("Plaintiff") hereby responds to Distributor Defendants'<sup>1</sup> Third Set of Interrogatories (the "Interrogatories" and, each individually, a "Interrogatory"), as follows:

### **OBJECTIONS**

The following objections apply to each Interrogatory. To the extent that certain specific objections are cited in response to an individual Interrogatory, those specific objections are provided because they are applicable to that specific Interrogatory and are not a waiver of the objections applicable to information falling within the scope of such Interrogatory.

1. Plaintiff objects to each Interrogatory to the extent they are overly broad, vague, unduly burdensome, seeks information that is not relevant to any party's claim or defense, or seeks to impose obligations or require actions beyond those required by the Rules of Civil Procedure, the

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<sup>1</sup> The Distributor Defendants are AmerisourceBergen Drug Corporation, Cardinal Health, Inc., and McKesson Corporation.

Pharmacy	Pharmacy Address	City
Discount Drug Mart Inc. #8	24485 Lorain Rd	North Olmsted
Discount Drug Mart Inc. #10	27300 Detroit Rd	Westlake
Discount Drug Mart #18	6160 Brecksville Road	Independence
Discount Drug Mart	6148 Dunham Road	Maple Heights
Discount Drug Mart	5500 Wallings Road	North Royalton
Discount Drug Mart Inc. #21	Store #21	3889 East 71st Street
Discount Drug Mart, Inc.	13919 Prospect Rd	Strongsville
Discount Drug Mart #82	765 Alpha Dr	Highland Heights

Plaintiff reserves the right to supplement and amend this response upon further investigation.

**Interrogatory No. 18:**

Specify each category of injury (e.g. increased cost of law enforcement, fire, emergency services, etc.) for which You claim damages in the Litigation and provide a computation of damages for each category of injury alleged. For each category of injury, identify all Persons with knowledge about such damages.

**Response to Interrogatory No. 18:**

Plaintiff objects to this Interrogatory to the extent that it calls for disclosure of Privileged and Confidential Information. Also, the Interrogatory is overly broad and unduly burdensome and seeks information beyond Plaintiff's possession, custody, and control. Further objecting, the Interrogatory contains a reference to the ambiguous phrase "category of injury."

Subject to and without waiving all objections, Plaintiff will conduct a reasonable and diligent search for and, if such information is in Plaintiff's possession, custody, or control, will produce documents that identify Plaintiff's categories of injury. In addition, Plaintiff's investigation of its costs, expenditures, damages, losses or harms caused by the Defendants is ongoing and will be the

**CONFIDENTIAL – SUBJECT TO PROTECTIVE ORDER**

subject of fully-supported and detailed expert witness opinion(s) that will be disclosed in accordance with CMO 1 and the Federal Rules of Civil Procedure.

Further subject to and without waiving all objections, Plaintiff identifies the following non-exhaustive list of programs and other expenditures either that have been initiated because of the opioid crisis or which have experienced increased funding needs because of the opioid crisis. Such programs and expenditures include, but are not limited to, the following:

- Cuyahoga County Opiate Task Force;
- ADAMHS Board of Cuyahoga County;
- Cuyahoga County Opiate Collaborative/Project DAWN
- Cuyahoga County Heroin Initiative;
- Cuyahoga County Drug Court;
- Cuyahoga County Prosecutor's Office;
- Cuyahoga County Homeless Services;
- Cuyahoga County Foster Care Services;
- Cuyahoga County Emergency Medical Services;
- Cuyahoga County Sherriff's Offices;
- Cuyahoga County Health Department;
- Cuyahoga County Medical Examiner's Office;
- Cuyahoga County Health and Human Services/Children and Family Services; and
- Cuyahoga County Jail/Regional Corrections.

Also, Plaintiff has already produced budget information identifying such expenditure, such as: